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Appl. No.: 09/486,677
Reply to September 12, 2006 Office Action
Group Art Unit: 1621

Remarks

The following remarks are responsive to the September 12, 2006 Office Action.
Reconsideration is respectfully requested.

Status of the Claims

Claims 10, 14-26 and 30 are pending.

Rejection under 35 U.S.C. § 102(b)

Claims 10 and 23-26 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,516,451 (Schmitt).

The Examiner alleges that Schmitt discloses a mixture identical to the mixture of Claims 10 and 23-26. Although cold cloud point is not expressly disclosed by Schmitt, the Examiner alleges that it is inherent, because the mixture is the same as the claimed mixture.

In addition to a lack of disclosure concerning cold cloud point, Schmitt fails to disclose a mixture of random fatty alcohol alkoxyates as in Claims 10 and 23-26. Therefore, contrary to the Examiner's allegations, Schmitt does not disclose a mixture identical to Applicants, and the rejection should be withdrawn. Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 10, 14-26 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmitt. The arguments made above with regard to the inapplicability of Schmitt are hereby reasserted as if set forth at length.

The Examiner asserts that Schmitt fails to disclose the claimed molar ratio of EO to PO (see Claim 15), but alleges it would have been obvious to select the appropriate

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molar ratio to obtain the desired product. As correctly asserted by the Examiner, there is no disclosure in Schmitt to select the claimed molar ratio. In addition, there is no disclosure in Schmitt leading a skilled worker to arrive at the mixture of polymers comprising random fatty alcohol alkoxylates as in Claim 10 (from which Claim 14 depends), Claim 15 (from which Claims 16-22 depend) and Claim 23 (from which Claims 24-26 and 30 depend), because none of the fatty alcohol alkoxylates of Schmitt is disclosed as random. Component A of Schmitt is a reaction product of a fatty alcohol with initially x mol of ethylene oxide, and then y mol of propylene oxide. (See, col. 2, lines 40-44 of Schmitt). Thus, Schmitt leads one skilled in the art to prepare a block polymer. Therefore, if one skilled in the art were to have had the foresight to select the claimed molar ratio as suggested, the artisan would still not reach the claimed mixture of random fatty alcohol alkoxylates based on the teaching of block polymers in Schmitt.

The Examiner asserts that Schmitt also fails to specifically disclose using a selected amount of C14-18 and C6-12 alcohols (see Claim 14), but alleges that Schmitt suggests the invention because a mixture of at least one alcohol having C6-22 (and preferably C8-18) atoms may be used (col. 2, lines 9-22). The Examiner further alleges that changes in temperature, concentrations or other process conditions of an old process does not impart patentability unless the recited ranges are critical (they produce a new and unexpected result). For reasons set forth above, regardless of whether one skilled in the art had the foresight to use a selected amount of C14-18 and C6-12 alcohols (see Claim 14), the result still would not reach the invention of Claims 10, 15 and 23 (a mixture of polymers comprising random fatty alcohol alkoxylates). The new and unexpected results are exemplified in the Examples, which compare the mixture of random fatty alcohol alkoxylates to block polymers.

Schmitt, therefore, fails to teach, suggest or provide motivation to one skilled in the art at the time of the invention to arrive at a mixture of polymers comprising random fatty alcohol alkoxylates as claimed with any reasonable expectation of success. The

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only disclosure of random fatty alcohol alkoxylates can be found in Applicants' disclosure. Therefore, in view of the lack of express or implied teaching, suggestion or motivation from Schmitt to arrive at the new and unexpected result of a mixture of polymers comprising random fatty alcohol alkoxylates which mixture exhibits a cold cloud point below 0°C as claimed, a *prima facie* case of obviousness has not been made. Since the invention of Claims 10, 14-26 and 30 is not rendered obvious in view of the cited reference for reasons set forth above, the rejection should be withdrawn. Reconsideration and withdrawal of the rejection are respectfully requested.

Fees

No fees are believed due, but the Commissioner is authorized to charge (or credit any balance) any fees deemed due (or owing) to Deposit Account No. 50-1177.

Conclusion


It is respectfully submitted that Claims 10, 14-26 and 30 are in condition for allowance. A Notice of Allowance is respectfully requested. If anything further is needed to advance the allowance of this application, the Examiner is urged to contact Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

December 12, 2006

Date

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